



**FARMERS
BRANCH**

ORDINANCE NUMBER 3076

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ADD TWO 12-INCH AND ONE 24-INCH MICROWAVE ANTENNA DISHES TO AN EXISTING 12-PANEL CELLULAR COMMUNICATIONS ANTENNA SYSTEM ON THE CITY OF FARMERS BRANCH JUSTICE CENTER WATER TOWER LOCATED ON APPROXIMATELY 6.01 ACRES AT 3725 VALLEY VIEW LANE, GENERALLY LOCATED ON THE NORTH SIDE OF VALLEY VIEW LANE AND EAST OF MARSH LANE WITHIN THE ONE FAMILY RESIDENCE DISTRICT-2 (R-2) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance of the City of Farmers Branch, be and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit for adding two 12-inch and one 24-inch microwave antenna dishes to an existing 12-panel cellular communications antenna system on the City of Farmers Branch Justice Center water tower located on approximately 6.01 acres at 3725 Valley View Lane within

a Single Family Residential 2 (R-2) zoning district, on property described as: Being a land situated in the Samuel P. Brown Survey, Abstract Number 164 in the City of Farmers Branch, Dallas County, Texas and being a 6.01 acre tract of land described in a deed to the City of Farmers Branch recorded in Volume 66823, Page 758 of the Deed Records of Dallas County, Texas (DRDCT) and further described in Exhibit "A"; and more commonly known as 3725 Valley View Lane, Farmers Branch, Texas ("the Property").

SECTION 2. That the Property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a specific use permit including an associated site plan for a cellular communications antenna system to be constructed and an existing equipment building situated and located in accordance with the lease area attached hereto as Exhibit "B" and the approved site plan attached hereto as Exhibit "C".

SECTION 3. That in addition to the requirements of Section 2, above, the Property shall also conform in operation, location and construction to the following special conditions:

1. The antennas shall be painted to match the color of the water tower.
2. Clear Wireless, LLC/Sprint/Nextel or subsequent owner of the antenna system and equipment shelter shall remove the wireless communications antennas, associated equipment shelter, and all appurtenances within ninety (90) days subsequent to such time that the antennas and equipment shelter become obsolete and the use is abandoned.
3. Clear Wireless, LLC/Sprint/Nextel or authorized contractors shall make arrangements with the City of Farmers Branch Public Works Department before obtaining access to the Justice Center Water Tower or associated equipment shelters on City of Farmers Branch Property for any installation, repairs or testing of antennas, equipment or other appurtenances associated with the facility.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.